

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ONEBEACON AMERICA INSURANCE
COMPANY,

CIVIL ACTION
NO: 04-11753-JLT

Plaintiff,

vs.

BLUE WATER ENTERPRISES, INC.
Defendant.

STATUS REPORT & PROPOSED ORDER

Now come the parties, in the above-entitled action, by and through their respective attorneys, and after consulting with the Umpire, submit the following agreed upon proposed Order.

PROPOSED ORDER

This matter was before the Court for a Status Conference on August 4, 2005. After hearing thereon, it is hereby Ordered that:

1. The parties are to agree upon three (3) local shipyards or repair facilities by or before August 19, 2005, and are to provide the list of agreed upon shipyards or repair facilities to the Umpire by said date.
2. By or before September 14, 2005, the Umpire shall (a) release and submit his final specifications, including any and all photographs, to the agreed upon shipyards or repair facilities, (b) provide said shipyards or repair facilities with instructions for the

submission of repair bids, and; (c) arrange for said shipyards to inspect defendant's vessel.

3. The defendant shall make his vessel available for the inspections upon reasonable notice and before October 15, 2004. The scope of the inspections shall be limited to the specifications and instructions submitted by the Umpire to the shipyards or repair facilities. It is not necessary for the Umpire to be present at the inspections. The parties' surveyors have the option of attending the inspections.
4. If the representatives from the agreed upon shipyards or repair facilities have any questions during the inspections, then they should be directed to the Umpire for clarification and resolution.
5. The shipyards or repair facilities shall provide the Umpire with their repair bids by or before November 18, 2005.
6. The Umpire shall file the repair bids with the Court by or before November 30, 2005.
7. The parties shall appear for a Status Conference on December __, 2005 at _____.

So Ordered,

Honorable Joseph L. Tauro
Dated: August __, 2005

cc: James Simonitsch
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